

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

UNITED STATES OF AMERICA

v.

Case No: 8:11-cr-245-T-27

JOSE ABSALON LENIS-FLORES
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ORDER

BEFORE THE COURT are the Motion by the United States for Reduction in Sentence Pursuant to Fed. R. Crim. P. 35(b) (Dkt. 111) and Defendant's Response (Dkt. 114). The United States recommends a two level departure, resulting in an Offense Level 34 and a guidelines range of 151 to 188 months.¹ (Dkt. 111). Defendant seeks a time served reduction.² (Dkt. 114 at 2). Upon review, the United States' motion is **GRANTED** to the extent that Defendant's sentence of imprisonment is reduced to time-served. All other terms and conditions of his original sentence will remain the same.

DONE AND ORDERED this 26th day of March, 2020.

/s/ James D. Whittemore

**JAMES D. WHITTEMORE
United States District Judge**

Copies to: Defendant, Counsel of Record, U.S. Bureau of Prisons, U.S. Marshal, U.S. Probation

¹ Defendant was sentenced to 192 months, followed by five years of supervised release. (Dkt. 66). He has served approximately 114 months.

² Defendant asserts that with 17 months of good credit "gained time" applied, he has completed approximately 131 months of his sentence. (Dkt. 114 at 1-2). He contends that as a result, "[t]he actual incarceration time if [he] is sentenced at the low-end of the guidelines would be serving about 128 months on the 151-month sentence," and because he has served approximately 131 months, his incarceration would exceed the low end of his new guidelines range. (Id. at 2). Moreover, he anticipates that he "will also serve up to three months or so awaiting deportation," and further asserts that he suffers from "Glaucoma and has lost sight in one-eye" (Id.).